

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
SERIOUS USA, INC.; SERIOUS IP, INC.; :  
and DXPDD, LLC., :

Plaintiffs,

-against-

CD DIGITAL CARD; CD WORKS; DISC  
MAKERS; IMX SOLUTIONS, INC.; :  
INFINITE MARKETING INC.; INGRAM  
MICRO INC.; L&M OPTICAL DISC, LLC; :  
MICROVISION DEVELOPMENT, INC.; :  
ONEDISC.COM, INC.; and SONARUS  
CORPORATION. :

Defendants.

: Civil Action No. 08 CIV 4808 (GBD) (AJP)

: **NOTICE OF MOTION**

: Honorable George B. Daniels

: Magistrate Judge Andrew J. Peck

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PLEASE TAKE NOTICE THAT, upon the accompanying declaration of Tal  
Dickstein, dated July 22, 2008, and the accompanying proposed Order, defendant Microvision  
Development, Inc., by its counsel, Loeb & Loeb LLP, will move this Court, before the  
Honorable Andrew J. Peck, as soon as counsel may be heard, at the United States Courthouse  
located at 500 Pearl Street, New York, New York, for an Order pursuant to Rule 1.3(c) of the  
Local Civil Rules of the Southern and Eastern Districts of New York admitting Laura A.  
Wytsma to the bar of this Court *pro hac vice*.

JUL 23 2008

9/11 925-65745-3

Dated: New York, New York  
July 22, 2008

LOEB & LOEB LLP

By:   
Tal Dickstein (TD-3204)  
345 Park Avenue  
New York, New York 10154  
(212) 407-4000

*Attorneys for Defendant  
Microvision Development, Inc.*

**UNITED STATES DISTRICT COURT  
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-against- : Civil Action No. 08 CIV 4808 (GBD) (AJP)  
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CD DIGITAL CARD; CD WORKS; DISC  
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INFINITE MARKETING INC.; INGRAM :  
MICRO INC.; L&M OPTICAL DISC, LLC: Magistrate Judge Andrew J. Peck  
MICROVISION DEVELOPMENT, INC.:  
ONEDISC.COM, INC.; and SONARUS  
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Defendants.

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TAL DICKSTIEN, declares as follows under penalty of perjury:

1. I am an attorney duly admitted to practice before this Court and am associated with the law firm Loeb & Loeb LLP, attorneys for defendant Microvision Development, Inc. ("Microvision") in this action.
2. I make this declaration in support of Microvision's motion for an Order, pursuant to Rule 1.3(c) of the Local Civil Rules of the Southern and Eastern Districts of New York admitting Laura A. Wytsma to the bar of this Court *pro hac vice*.
3. Ms. Wytsma is a partner of the firm Loeb & Loeb LLP and maintains her office in Los Angeles, California.
4. Ms. Wytsma is a member in good standing of the bar of the State of California and the United States District Court for the Central District of California. A

Certificate of Good Standing, issued by the Supreme Court of California, is attached hereto as Exhibit A.

5. Ms. Wytsma is fully familiar with the facts and issues in this case and will be involved in all aspects of the case, including motion practice and trial.

WHEREFORE, it is respectfully requested that Microvision's motion be granted and that Laura Wytsma be admitted to the bar of this Court *pro hac vice*.

Dated: New York, New York  
July 22, 2008

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Tal Dickstein", is written over a horizontal line.

Tal Dickstein (TD-3204)



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

July 17, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, LAURA ANN WYTSMA, #189527 was admitted to the practice of law in this state by the Supreme Court of California on July 3, 1997; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert", is written over a horizontal line.

Kath Lambert  
Custodian of Membership Records

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
  )     SS.  
COUNTY OF NEW YORK    )

TIMOTHY B. CUMMINS, being duly sworn, deposes and says:

1.     I am not a party to this action and am over 18 years of age.
2.     On July 22, 2008, I served true copies of the foregoing

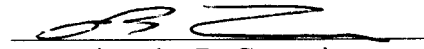
Notice of Motion and the accompanying proposed order by first-class mail to the below  
listed parties:

Arianna Frankl , Esq.  
Dreier LLP  
499 Park Avenue  
New York, NY 10022  
Counsel for Plaintiffs

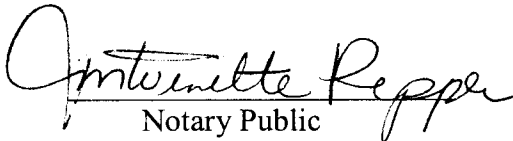
David Scott Frydman, Esq.  
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18 East 48th St., 10th Floor  
New York, NY 10017  
Counsel for Defendant  
Disc Makers

Theodore Conrad Max, Esq.  
Sheppard, Mullin, Richter & Hampton, LLP  
30 Rockefeller Plaza  
New York, NY 10112  
Counsel for Defendant  
Ingram Micro, Inc.

Keith D. Nowak, Esq.  
Carter Ledyard & Milburn LLP  
2 Wall Street  
New York, NY 10005  
Counsel for Defendants  
CD Digital Card, Onedisk.com. Inc., CD Works  
and L& M Optical Disk, LLC

  
Timothy B. Cummins

Sworn to before me this  
22<sup>nd</sup> Day of July, 2008

  
Notary Public

**ANTOINETTE PEPPER**  
Notary Public, State of New York  
No. 01PE4973633  
Qualified in Nassau County  
Certificate Filed in New York County  
Commission Expires January 7, 2011

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Defendants. :

Civil Action No. 08 CIV 4808 (GBD) (AJP)

**ORDER FOR ADMISSION PRO HAC  
VICE ON WRITTEN MOTION**

Honorable George B. Daniels

Magistrate Judge Andrew J. Peck

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Upon the motion of Tal Dickstein, attorney for defendant Microvision  
Development, Inc., and said sponsor attorneys' declaration in support:

IT IS HEREBY ORDERED THAT

Applicant's Name: Laura A. Wytsma

Firm Name: Loeb & Loeb LLP

Address: 10100 Santa Monica Boulevard

City/State/Zip: Los Angeles, California 90067

Telephone/Fax: (310) 282-2000/(310) 282-2200

Email Address: lwytsma@loeb.com

is admitted to practice *pro hac vice* as counsel for Microvision Development, Inc. in the  
above captioned case in the United States District Court for the Southern District of New  
York. All attorneys appearing before this Court are subject to the Local Rules of this



Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) System, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of the Court.

Dated: July \_\_, 2008  
New York, New York

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U.S. Magistrate Judge